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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

DONALD LEE,

Debtor.

Case No. 10-37893-D-7

DCN: SMD - 1

DATE: October 13, 2010

TIME: 10:00 A.M.

DEPT: C

COURTROOM: 34 (6th Floor)

TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE

TO: THE HONORABLE ROBERT S. BARDWIL, JUDGE, U. S. BANKRUPTCY COURT;
THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED DEBTOR; AND,
THE DEBTOR'S ATTORNEY.

The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in the above-captioned Bankruptcy estate of DONALD LEE, (the "Debtor"), hereby requests that this Court approve the sale of the Bankruptcy's Estate's interest in a 2005 GMC Diesel Truck in "as is" condition, to Debtor, for a total of \$15,400 cash. In support of this motion, the undersigned Trustee respectfully represents the following:

1. The Debtor filed a voluntary Chapter 7 Bankruptcy Petition on or about July 8, 2010, and an Order for Relief was entered thereon.

2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about July 8, 2010, and continues to serve in that capacity.

3. The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334. This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).

4. The Debtor filed Schedule B on or about July 8, 2010, and disclosed personal property described as follows:

1 “2005 GMC Deisel 4WD w/ 100,000 miles-needs tires and rear bumper”

2 (hereinafter referred to as the “Motor Vehicle”), having a disclosed market value
3 of \$17,500.

4 5. The Debtor’s Schedule “C” filed on or about July 8, 2010, claimed monetary exemptions
5 C.C.P. §704.060(a) in the amount of \$6,750 and C.C.P. §704.010(a) in the amount of \$2,350
6 pertaining to the Motor Vehicle.

7 6. The Debtor’s Schedule D filed on or about July 8, 2010, disclosed no indebtedness nor
8 obligations secured by the Motor Vehicle.

9 7. The Debtor, through his attorney, Mr. Charles Rathburn, have presented an offer in the
10 amount of \$15,400 to purchase the aforementioned Motor Vehicle in an “as-is” condition from the
11 Bankruptcy Estate as follows:

	\$15,400	Debtor’s Offer to Purchase the Subject Personal Property
Less:	6,750	Credit for Debtor’s §704.060(a) exemption
	<u>2,350</u>	Credit for Debtor’s §704.010(a) exemption
	\$ 6,300	Net Purchase Amount to be tendered by the Debtors

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13 8. The payment will be made in one payment in the form of Cashier’s Check to the
14 undersigned Trustee for the purchase of the Motor Vehicle.

15 9. The undersigned Trustee believes that the immediate liquidation of the Subject Personal
16 Property is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate the
17 typical costs incurred with the sale of vehicles (i.e. smog check and smog certificate, auctioneer’s
18 commission, repairs, etc.) and any sales commission attendant to a sale. Therefore, the Trustee
19 requests the approval from this Court to sell the aforementioned Motor Vehicle to the Debtor for the
20 amount of \$15,400, less credits in the amounts of \$6,750 representing the Debtor’s claimed C.C.P.
21 §704.060(a) exemption and \$2,350 representing the Debtor’s claimed C.C.P §704.010(a) exemption,
22 subject to any overbids tendered at the Court hearing.

23 10. At the Court hearing, the Trustee will request that the Court solicits overbids. The
24 Trustee further requests that overbids, if any, be submitted in minimum increments of \$200.00 from
25 qualified bidders who much contact the Trustee at least twenty-four hours prior to this hearing. Any
26 successful over bidder must remit the full amount of the cash selling price to the Trustee within
twenty-four hours after the Court hearing is concluded.

1 WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve the
2 sale of the aforementioned Motor Vehicle to the Debtor in the manner stated herein, B.) Provide
3 authority for the Trustee to execute all documents necessary to complete the contemplated sale; C.)
4 Provide authority for the Trustee to either pay or credit the exempted amounts of \$6,750 and 2,350
5 directly to the Debtor from the sale of proceeds of the subject Motor Vehicle if sold to a third party;
6 and, D.) Provide for such other relief as the Court deems appropriate.

7 Respectfully submitted,

8 Dated: September 14, 2010

9 /s/ Susan M. Didriksen
10 Susan M. Didriksen, Chapter 7 Trustee
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